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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,450	01/28/2002	Ewa Barbara Hekstra-Nowacka	NL 010084	4273
24737	7590	06/15/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			JUNG, MIN	
			ART UNIT	PAPER NUMBER
			2663	
DATE MAILED: 06/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,450

Applicant(s)

HEKSTRA-NOWACKA, EWA
BARBARA

Examiner

Min Jung

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-11 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 12, 13, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1-28-02, 5-6-02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-3, 7-11, 14-16 are rejected under 35 U.S.C. 102(a) as being anticipated by applicant's admitted prior art describe in the background of the invention (Admitted Prior Art).

Regarding claims 1, 9, and 14, Admitted Prior Art shows a transmission system comprising a primary station (HE) being coupled via a transmission medium at a plurality of secondary stations (S). See Fig. 1. It is taught that the secondary station makes a transmission request (transmission request shown by the line 52 in Fig. 3), primary station transmits data transmission refusal (refusal being the feedback information 54 indicating a failure, because failure indication signals refusal of the data transmission for the time being) followed by a data transmission grant (grant being the reservation grant shown by line 62) to the secondary station. It is inherent that the primary station monitors the data transmitted by the secondary station. See Fig. 3, and page 2, line 30 – page 3, line 25.

Regarding claims 2, 3, 10, 11, 15 and 16, the Admitted Prior Art is in the environment of CATV system with the primary station comprising a cable modem

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termination system and secondary station comprising a cable modem, with the cable modem being DVB compliant. See page 1, lines 21-26.

Regarding claims 7 and 8, the Admitted Prior Art teaches that the transmission system utilizing satellite communication system (Page 1, lines 15-20), in which case it would be inherent to design a ground station to be the primary station and the satellite receiver to be the secondary station.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Applicant's Admitted Prior Art in view of Lyles et al., US 6,563,829 (Lyles).

Applicant's Admitted Prior Art fails to specifically teach that the CATV system and the cable modem termination system and the cable modem are IEEE 802.14 compliant. Lyles shows a CATV system as one embodiment of his invention providing bandwidth allocation using a request-grant scheme operated in accordance with the IEEE 802.14 standards. Col. 9, lines 65 - col. 10, line 25. Since Lyles's teaching is in the same field of endeavor as the Admitted Prior Art, it would have been obvious for one of ordinary skill in the art at the time of the invention to implement the CATV system disclosed in

the Admitted Prior Art by utilizing the IEEE 802.14 standards compliant devices as explicitly shown by Lyles.

Allowable Subject Matter

5. Claims 4, 5, 12, 13, 17, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: Prior art fail to teach or fairly suggest the transmission system and method as recited in the present claims including the step of transmitting data transmission refusal, wherein the data transmission refusal comprises a reservation grant message with a remaining slot count and a grant slot count, wherein the remaining slot count is equal to zero and wherein the grant slot count is equal to zero.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Matsunaga et al. patent, the Lin et al. patent (2), the Fredriksson patent, and the Stifle et al. patent, are cited for further references.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 571-272-3127. The examiner can normally be reached on Monday, Thursday, Friday 7:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ
June 10, 2005



Min Jung
Primary Examiner